



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 24, 2018

PWS #: 3110018

Certified Mail

7017 1450 0000 9421 5608

Richard Dewante, Owner
Tahoe Park Water Company
5000 Windplay Dr., Ste. 4
El Dorado Hills, CA 95762

TRANSMITTAL OF COMPLIANCE ORDER NO. 01-02-18R-002 SURFACE WATER TREATMENT VIOLATION

Enclosed is Compliance Order No. 01-02-18R-002 (hereinafter "Order") issued to the Tahoe Park Water Company (hereinafter "Company") public water system. Please note there are legally enforceable deadlines associated with this Order.

The Company will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Board has spent approximately 2 hours on enforcement activities associated with this violation.

The Company will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Company for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

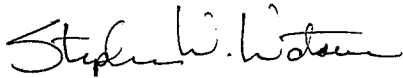
Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

If you have any questions regarding this matter, please contact Michael Burgess of my staff at (530) 224-6506 or me at (530) 224-4828.

A handwritten signature in black ink, appearing to read "Stephen W. Watson". The signature is fluid and cursive, with the first name "Stephen" being more prominent.

Stephen W. Watson, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

Enclosure

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section
Placer County Department of Environmental Health

3110018/Enforcement
05232018 CO Ltr/mtb

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Tahoe Park Water Company

Water System Number: 3110018

Attention: Richard DeWante, Owner
5000 Windplay Dr., Suite 4
El Dorado Hills, CA 95762

Issued: May 24, 2018

COMPLIANCE ORDER NO. 01-02-18R-002
FOR VIOLATTION OF
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64652

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a compliance order to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4,

1 commencing with Section 116270), or any regulation, standard, permit, or order
2 issued or adopted thereunder.

3
4 The State Board, acting by and through its Division of Drinking Water (hereinafter
5 "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"),
6 hereby issues a compliance order (hereinafter "Order") pursuant to Section 116655 of
7 the CHSC to the Tahoe Park Water Company (hereinafter, Company) (5000 Windplay
8 Drive, Suite 4, El Dorado Hills, CA 95762) for failure to comply with Title 22, Section
9 64652 of the California Code of Regulations and Section 116525 of the California
10 Health and Safety Code.

11
12 A copy of the applicable statutes and regulations is included in Attachment 'A,' which
13 is attached hereto and incorporated herein by this reference.

14
15 **STATEMENT OF FACTS**

16 The Tahoe Park Water Company domestic water system is classified as a community
17 water system with a reported population of 750 persons served through 440 service
18 connections. The Company relies on a single permitted well source, Washoe Way
19 Well, and a permitted standby connection to the Tahoe City PUD – Main water system
20 to meet all system demands. The Company also owns an unpermitted intake from
21 Lake Tahoe called the Sequoia Street Intake (hereinafter, "Intake"). This Intake
22 supplies a fire water suppression system for the Sunnyside Marina. While this Intake
23 is connected to the Company's domestic water system, it is not an approved source of

1 domestic water supply, since the Company does not provide the treatment necessary
2 to satisfy the requirements of Title 22, California Code of Regulations.

3
4 As a result of the Division's most recent inspection of the Company's water system on
5 September 26, 2017, the Division informed the Company that the connection of the
6 domestic water system to the Intake was considered a cross-connection to an
7 unapproved source. In a letter dated November 22, 2017, the Division directed the
8 Company to disconnect the Intake from the domestic water system using an approved
9 air gap separation, by January 31, 2018. On December 2, 2017, the Company
10 notified the Division that the Fire Pump for the Intake had been sized to supply the fire
11 suppression system at the Sunnyside Marina boat storage facility, who had paid for
12 the intake pump and pipeline supply system. The Company further asserted that the
13 disconnection of the Intake would have adverse legal consequences for the Company.
14 It appears the Company has taken no further action with regards to disconnecting this
15 unapproved source from the domestic water system.

16
17 On April 6, 2018, at approximately 7:00 PM, due to an apparent malfunction, the
18 Company's Fire Water pump at the Intake activated, and began supplying untreated
19 surface water to the distribution system. The pump continuously operated until
20 Company personnel discovered the situation on the afternoon of April 7, 2018. At that
21 point, the pump would not respond to control inputs, and was eventually shut down by
22 Company personnel by shutting off the main power supply to the pump.

23

1 On April 7, 2018, the Company, left two messages with Michael Burgess, a Division
2 staff engineer, requesting that he call Mr. Rick Dewante, the Company owner.
3 Mr. Burgess attempted twice to contact Mr. Dewante by phone, but was unable to
4 connect, apparently due to technical difficulties. Mr. Dewante reported that he called
5 other Division staff engineers and the Lassen District Engineer, all listed on the
6 Company's Emergency Notification Plan, but was unable to make contact with any of
7 them.

8
9 On April 8, 2018, the Company contacted Steve Watson, Lassen District Engineer,
10 and was directed by Mr. Watson to provide a Boil Water Notice to each of its
11 customers by hand delivery that day (in accordance with Title 22, Section 64463.1 of
12 the California Code of Regulations). A Boil Water Notice was e-mailed to the
13 Company at that time.

14
15 The Company reported that they had disinfected the distribution system by flushing
16 chlorinated water to the end points in the system on April 7, 2018, after disconnecting
17 the electric supply to the Sequoia Street lake intake pump. They also reported
18 flushing the chlorinated water from the distribution system the morning of
19 April 8, 2018, until there was no measurable chlorine residual. Five bacteriological
20 samples collected from the distribution system between 11:00 AM and 12:00 PM on
21 April 8, 2018, all tested absent for total coliform bacteria, and the Division rescinded
22 the Boil Water Notice on April 9, 2018.

23

1 According to Division records, since July 1, 2007, the Company has supplied
2 inadequately treated surface water to its customers three other times prior to this most
3 recent incident: on December 13, 2007, on January 4, 2012, and on January 3, 2015.
4 In each of these instances it was due to the failure of the lone permitted source at that
5 time, the Washoe Way Well. In 2017, the lack of reliable source capacity was
6 addressed by the completion of an emergency intertie with the Tahoe City PUD –
7 Main water system.

8 DETERMINATIONS

9 The Division has determined that the Company supplied water to their customers from
10 an unpermitted, inadequately treated surface water source. The Company, therefore,
11 has violated Title 22, Section 64652 of the California Code of Regulations.
12 Furthermore, the Company failed to comply with Directive 2 of the letter issued by the
13 Division to the Company on November 22, 2017.

14 DIRECTIVES

15 The Company is hereby directed to take the following actions:

- 16 1. By no later than **August 1, 2018**, the Company shall provide to the Division a
17 plan and schedule for eliminating the connection between the domestic water
18 supply system and the unapproved, untreated Lake Tahoe surface water
19 source.
20
- 21 2. Within 10 days of receiving this Compliance Order, but in no case later than
22 **June 20, 2018**, the Company shall complete and return Attachment 'B', entitled
23



1 "Compliance Certification" to the Division along with copies of the notifications
2 provided to customers on April 8, 2018, and April 9, 2018.

3 All documents required by this Order to be submitted to the Division shall be submitted
4 to the following address:

5 Stephen W. Watson, P.E.
6 Lassen District Engineer
7 Division of Drinking Water
8 State Water Resources Control Board
9 364 Knollcrest Drive, Suite 101
10 Redding, CA 96002

11 Nothing in this Order relieves the Company of its obligation to meet the requirements
12 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California SDWA), or any
13 regulation, permit, standard or order issued or adopted thereunder.

14
15 The Division reserves the right to make such modifications to this Order, as it may
16 deem necessary to protect public health and safety. Such modifications may be issued
17 as amendments to this Order and shall be effective upon issuance.

18
19 **PARTIES BOUND**

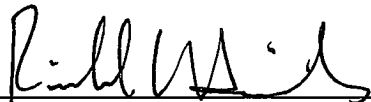
20 This Order shall apply to and be binding upon the Company, its officers, directors,
21 shareholders, agents, employees, contractors, successors, and assignees.
22

23 **SEVERABILITY**

24 The Directives of this Order are severable, and the Company shall comply with each
25 and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, standard, permit, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the State Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Order.



Richard L. Hinrichs, P.E., Chief
Northern California Section
Drinking Water Field Operations Branch

5/24/2018
Date

**Attachments (2):**

A. Applicable Authorities

B. Compliance Certification

Certified Mail No. 7017 1450 0000 9421 5608

**ATTACHMENT A. APPLICABLE STATUTES AND REGULATIONS FOR
COMPLIANCE ORDER NO. 01-02-18R-002
For Violation of California Code of Regulations, Title 22, Section 64652**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116555 states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625 (Revocation and suspension of permits) states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116655 states in relevant part:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

- (1) Directing compliance forthwith.

- (2) Directing compliance in accordance with a time schedule set by the state board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the state board.

Section 116701 (Petitions to Orders and Decisions) states:

- (a)
 - (1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.
 - (2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.
 - (3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:
 - (A) Denial of an application for certification or accreditation under Section 100855.
 - (B) Issuance of an order directing compliance under Section 100875.
 - (C) Issuance of a citation under Section 100880.
 - (D) Assessment of a penalty under subdivision (e) of Section 100880.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.
- (f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations (CCR), Title 22:

§64652. Treatment Technique Requirements and Compliance Options.

(a) A supplier using an approved surface water shall provide multibarrier treatment that meets the requirements of this chapter and reliably ensures at least, between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer:

- (1) A total of 99.9 percent reduction of *Giardia lamblia* cysts through filtration and disinfection;
- (2) A total of 99.99 percent reduction of viruses through filtration and disinfection; and
- (3) A total of 99 percent removal of *Cryptosporidium* through filtration.

Attachment B

COMPLIANCE CERTIFICATION

Compliance Order Number: **01-02-18R-002**

Name of Water System: **Tahoe Park Water Company**

System Number: **3110018**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the use of inadequately treated surface water, which occurred during April 2018. In addition, I certify that Tahoe Park Water Company provided the required notification to its customers as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Public notification via direct delivery	_____
Public notification by other means in addition to above	_____
_____	_____
Signature of Water System Representative	Date

Attach a copy of the "Boil Water" Notice and "Boil Water" Rescission Notice.

<p>THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION NO LATER THAN June 20, 2018.</p>

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.